

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q67282

Gerard AUVRAY, et al.

Appln. No.: 10/000,362

Group Art Unit: 2618

Confirmation No.: 9785

Examiner: Sujatha R. SHARMA

Filed: December 4, 2001

For: A SYSTEM FOR PROVIDING A MOBILE TELEPHONE SERVICE ON BOARD A
VEHICLE

REPLY BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to the Examiner's Answer mailed August 20, 2008, please consider the
following:

I. REAL PARTY IN INTEREST

The real party in interest is Alcatel Lucent

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-14 are pending.

Claims 1-3, 5-7 and 9-14 are rejected under 35 USC 102(a) as anticipated by Lidbetter (EP 1079547).

Claims 4 and 8 are rejected under 35 USC 103(a) as unpatentable over Lidbetter in view of Horrer (USP 6,321,084).

All of claims 1-14 are appealed.

IV. STATUS OF AMENDMENTS

There were no amendments filed subsequent to the final Office action mailed May 3, 2007.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

See the Summary of Claimed Subject Matter section in the response filed June 9, 2008.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are:

1. Whether claims 1-3, 5-7 and 9-14 are anticipated by Lidbetter.
2. Whether claims 4 and 8 are unpatentable over Lidbetter in view of Horrер.

VII. ARGUMENT

With respect to the anticipation rejection of claims 1 and 5, it was pointed out in Appellant's brief that claims 1 and 5 call for the transport connection to be set up before a call is requested and then used immediately for a call as soon as the call is requested. Thus, according to claims 1 and 5, a transport connection is something that can be used as soon as a request to set up a call is received. According to the present invention, the claimed transport connection is the connection E2 in Fig. 3. This is the same as the connection 3 in Fig. 2, except that it is set up ahead of time and it is not activated yet. So it is ready to use, except for activation which is immediate.

It was then further explained that Lidbetter does not teach the setting up of a connection that is ready for immediate use as soon as a request to set up a call is received. In Lidbetter, further setting up of the transport connection is required.

In the Examiner's Answer, beginning at the top of page 8, the examiner responds to this argument by pointing to lines 41-44 of column 4 of Lidbetter where it is noted that the satellite connection includes a signaling channel, and that a signaling channel is used to set up a call connection. It is submitted that this argument and citation by the examiner actually confirms the distinction pointed out by appellant, rather than refutes it. The satellite connection in Lidbetter does indeed include a signaling channel. And when a call is requested, this signaling channel is used to set up the call over the satellite connection. This simply confirms that the satellite connection in Lidbetter is not a transport connection as that term is used in the present application, and is not ready for immediate use as soon as a call request is received.

The examiner on the one hand argues that a signaling channel is used to set up a call connection, then argues that when a call request is received the signaling channel has already been set up and is ready for use. But using the signaling channel to set up a call connection means that the call connection has not already been set up. According to the present invention, the call connection is already established and is simply ready for use.

The examiner then argues that the term “transport channel” in the present claims is given a broad interpretation to mean simply that a *control channel* is set up *between the mobile station and a base station*, which facilitates the communication between the mobile station and the base station when the mobile user wishes to make a call. But that is not what is claimed. Claims 1 and 5 refer to a transport connection between the vehicle (e.g., an aircraft) and a public land mobile network, not a control channel between a mobile station (onboard the vehicle) and the base station (also on board the vehicle). Claims 1 and 5 further describe that this transport connection is ready for use as soon as a call request is received. Lidbetter teaches the establishment of a satellite connection between the ship and a shore base station, the satellite connection being capable of handling plural calls, and (at least according to the examiner) the satellite connection further including a signaling channel that can be used on receipt of a call request to set up a transport connection over the satellite connection. There is no transport connection ready for use as soon as a call request is received.

Evidence of the need in Lidbetter for further setup procedures when a call request is received is that fact that the Lidbetter satellite connection is a connection suitable for handling multiple calls. This of necessity means that when a call is requested it will be necessary to select

a channel from amongst the plural channels available in the satellite connection. To be sure, there is already a satellite “tracking” link already set up, but this is not a transport connection that can be used for a call, but is instead a multiple-call-capacity link over which a transport connection can be set up.

In the paragraph bridging pages 8-9 of the Examiner’s Answer, the examiner states that appellant is arguing that the present invention can eliminate “the request.” The examiner is misconstruing Appellant’s argument. The “request” eliminated according to the present invention is the request (2) for setting up a connection between Equipment Unit A and Equipment Unit B, i.e., between the unit A onboard the vehicle and the unit B which is part of the terrestrial network. This is not the request from the user to set up a call. And while this request is eliminated according to the present invention, there is no indication that it is eliminated in Lidbetter. In Lidbetter, it will be necessary to request the use of one of the plural channels available in the satellite connection.

At page 9 of the Examiner’s Answer and with reference to claims 9-12, the examiner argues that the satellite connection of Lidbetter can be used without further selection process when a call setup request is received. But the satellite connection in Lidbetter is clearly described as having the capacity to handle multiple calls. The examine has not explained, nor does Lidbetter explain, how a link capable of handling multiple calls can be used to handle a single call without some sort of selection process where one of the plural channels available in the satellite link is selected for use in this call.

At the top of page 10 of the Answer, the examiner explains that when a cellular telephone is turned on, a signaling channel is set up between the cellular telephone and the base station, and when the user of the cellular telephone wishes to make a call and starts the dialing process, the signaling channel “will start the call setup process, i.e., assigning the right traffic channel and/or resources needed for the call.” Again, the examiner has missed the point. The signaling channel between the mobile telephone and the base station on board the vehicle is not what the present invention is about. It is the transport connection between the base station onboard the vehicle and the base station on the land network that the present invention is concerned with. The fact that in *Lidbetter* a signaling channel is set up between the mobile terminal and the base station onboard the ship, and that this signaling channel *may* be in a standby state, is not relevant to the issue of whether the link between the ship and shore is also in a standby state. And further, to the extent the examiner is seeking to draw some sort of analogy, the requirement that the signaling channel be used “to assign the right traffic channel” is exactly what the examiner earlier argues does not happen in *Lidbetter*, i.e., further selection process after a call request is received.

In Section D beginning at page 10, the examiner explains that there are resources that are used when a call setup request is received, and from this the examiner makes the leap to the position that no resources are used when no call request has been received and the “connection” is in a standby state. This is a non-sequitur. Simply because there are things that must be done when a call setup request is received, it does not follow that substantially no resources are consumed in the standby state.

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In Section E beginning at page 11 of the Answer, with reference to claims 3 and 7, the examiner describes that in *Lidbetter* the satellite link is deactivated when there is interference to with the satellite link by the ground base station, and is then reactivated when the interference goes away. This is clearly *not* automatic reactivation in accordance with a time delay as is required in claims 3 and 7. It is reactivation when the interference signal is gone.

Finally, it is noted that claims 10 and 12 recite the transport connection for a single call, which is directly contrary to the teaching of *Lidbetter* in which the satellite connection is clearly described as being able to handle multiple calls. Thus, the satellite connection cannot itself correspond to the transport connection as defined in claims 10 and 12.

For the reasons given above and in the earlier filed Appeal Brief, reversal of the examiner is respectfully requested.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

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/DJCushing/
David J. Cushing
Registration No. 28,703